

FILED
MAY 30 2007
Heather Smith
CLERK OF THE
INDIANA SUPREME COURT
COURT OF APPEALS
AND TAX COURT

**ORDER APPROVING AMENDED LOCAL RULES
ADOPTED PURSUANT TO ADMINISTRATIVE RULE 15**

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Wayne A. Roell, Spencer Circuit Court, P.O. Box 152, Rockport, IN 47635-0152, and to the Clerk of the Spencer Circuit Court.

The Clerk of the Spencer Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public; and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 30th day of May, 2007.

FOR THE COURT

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

STATE OF INDIANA)
) SS:
COUNTY OF SPENCER)

IN THE SPENCER CIRCUIT COURT

2007 TERM

CASE NO:

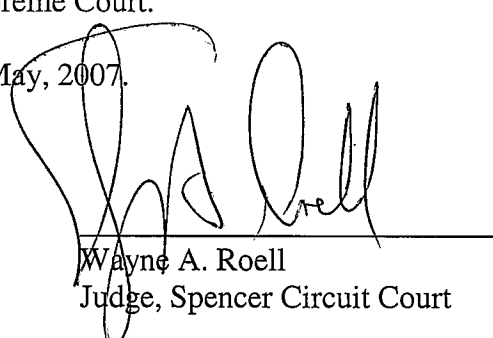
IN RE: THE MATTER OF)
)
REQUEST FOR APPROVAL)
OF PROPOSED LOCAL RULE)
FOR SPENCER COUNTY)
CIRCUIT COURT)

IN THE MATTER OF THE PROPOSED AMENDMENT OF
LOCAL RULE REGARDING COURT REPORTER FEES

Comes now the Judge of the Spencer County Circuit Court pursuant to Trial Rules 81(D), finds that good cause exists to deviate from the schedule established by the Division of State Court Administration for the adoption and amendment of local rules.

Pursuant to the requirements of Administration Rule 15 of the Indiana Supreme Court, IT IS HEREBY ORDERED that the Spencer County Local Court Rules are hereby amended by revision of the following LR74-AR00-1 as stated below. This Local Rule shall be effective thirty (30) days after posting in the county clerk's office and publication on the Indiana Judicial Website and upon approval of the Indiana Supreme Court.

SO ORDERED THIS 4 day of May, 2007.



Wayne A. Roell
Judge, Spencer Circuit Court

**SPENCER CIRCUIT COURT
PROPOSED AMENDED LOCAL RULE # 3
LR74-AR00-1**

Section One – Definitions. The following definitions shall apply under this local rule:

1. A **Court Reporter** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
2. **Equipment** means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.
3. **Work Space** means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
4. **Page** means the page unit of transcript that results when a recording is transcribed in the form required by Indiana rule of Appellate Procedure 7.2.
5. **Recording** means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. **Regular Hours Worked** means those hours that the court is regularly scheduled to work during any given workweek. Depending on the particular court, these hours may vary from court to court within the county but remains the same for each workweek.
7. **Gap Hours Worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of forty hours per week.
8. **Overtime Hours Worked** means those hours worked that are in excess of forty hours per workweek.
9. **Work Week** means a seven consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. **Court** means the particular court for which the court reporter performs services. Court may also mean all of the courts in Spencer County.

11. **County Indigent Transcript** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
12. **State Indigent Transcript** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
13. **Private Transcript** means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

SECTION TWO – Salaries and per Page Fees

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be ~~\$3.00 (\$3.50~~ **\$3.50 (\$4.00** if marginal notes headers are included by the reporter); the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
3. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~\$3.00 (\$3.50~~ **\$3.50 (\$4.00** if marginal notes are included by the reporter).
4. The maximum per page fee a court reporter may charge ~~for the preparation of a private transcript shall be \$3.00 (\$3.50 if marginal notes are included by the reporter).~~ **for the copy of a transcript is \$1.50. The charge of a transcript provided in an electronic format shall also be \$1.50 per page.**
5. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.
6. **Court Reporters shall be allowed to charge a minimum fee of \$35.00 per transcript.**

7. Court Reporters may charge an additional charge for labor performed in time spent in binding the transcript and the exhibit binders. The additional charge shall be at the hourly rate based upon the court reporter's annual court compensation.
8. Court Reporters may charge a reasonable amount of the office supplies required and utilized for the binding and electronic transmission of the transcript. The costs of these supplies shall be the amount that was paid for these items as a reimbursement to the Court Reporter.

SECTION THREE – PRIVATE PRACTICE

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. The reasonable market rate for the use of equipment, workspace and supplies.
 - b. The method by which records are to be kept for the use of equipment, work space and supplies, and
 - c. The method by which the court reporter is to reimburse the court for the use of the equipment, workspace and supplies.
2. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

~~ADOPTED at Rockport, Spencer County, Indiana this 27th day of May,~~
1998.

Wayne A. Roell, Judge
Spencer Circuit Court

Division of State Court Administration

To: Chief Justice Shepard

From: Tom Carusillo

Re: Spencer County Local Rule LR74-AR00-1 - Court Reporters

Date: May 30, 2007

The attached order approves a rule amendment increasing the transcript rate and charges for Spencer Circuit Court reporters. Jim Maguire has reviewed and approved the changes. We recommend its approval.

RECEIVED

MAY 31 2007

**DIVISION OF
STATE COURT ADMINISTRATION**